

## **REMARKS**

Reconsideration of the present application is requested. Claims 4, 8 and 13 were previously canceled. Claims 1, 5 and 9 have been amended. Claims 1, 5 and 9 are independent claims.

### **COMMENTS ON BRIEF DISCUSSION WITH EXAMINER**

On July 5, 2006, Applicants contacted the Examiner to discuss the present application. During a brief discussion, the Examiner agreed that an amendment clarifying that the weighted average includes weighting constants, at least two of which are different, would not require further consideration and/or search. As a result, the Examiner indicated that such an amendment would be entered without a Request for Continued Examination (RCE).

### **ENTRY OF THIS AMENDMENT AFTER FINAL IS REQUESTED**

In light of the brief discussion between Applicants and the Examiner on July 5, 2006, Applicants request entry of this Amendment after Final. Moreover, Applicants submit that the amendments made to claims 1, 5 and 9 only further clarify limitations previously set forth and already implicit in the claims, and do not raise any new issues requiring further consideration and/or search.

### **ALLOWABLE SUBJECT MATTER**

Applicants again acknowledge the allowable subject matter set forth in claims 6 and 7.

**PRIOR ART REJECTION**

**REJECTION UNDER 35 U.S.C. §102(e)**

Claims 1-3, 5 and 9-12 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,748,031 ("Piirainen"). This rejection is respectfully traversed.

The Examiner admits that Piirainen fails to teach a weighted average as claimed in claim 1, but contends that an arithmetic mean is a weighted average in which equal weighting is applied to each value used in the arithmetic mean calculation. *Office Action* at 2. Applicants have amended claim 1 to clarify that at least two of the plurality of weighting constants associated with the plurality of channel estimates used in obtaining the weighted average are different.

As admitted by the Examiner, Piirainen only discloses calculating an arithmetic mean, but does not disclose a weighted average. Therefore, claim 1 is in condition for allowance. Claims 5 and 9 are also allowable for at least reasons somewhat similar. Claims 2-3, 10, 11 and 12 are in condition for allowance at least by virtue of their dependency from claims 1, 5 or 9.

**CONCLUSION**

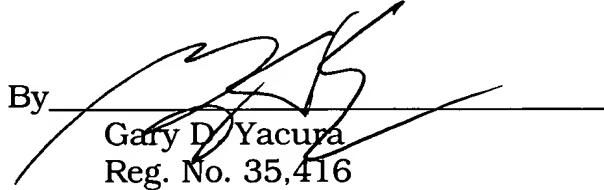
In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007 at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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